

FILED

AUG 06 2010

At _____ M
STEPHEN R. LUDWIG, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

DOTS, LLC

Defendant.

CIVIL ACTION NO.

2 10 CV 319

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race (white) and to provide appropriate relief to Misti Hatchett and a class of applicants.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), 707(a), (b) and (e) of Title VII, 42 U.S.C. § 2000e-6(a), (b) and (e) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Indiana, Hammond Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and 707(a), (b) and (e) of Title VII, 42 U.S.C. § 2000e-6(a) and (b).

4. At all relevant times, Defendant, Dots LLC has continuously been an Ohio corporation doing business in the State of Indiana and has continuously had at least 15 employees.

5. At all relevant times, Dots LLC has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Misti Hatchett filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least April 1, 2007, Defendant has engaged in unlawful employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a) (1) by denying employment to Misti Hatchett and a class of applicants at its Merrillville, Indiana facility because of their race, white.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Misti Hatchett and a class of applicants of equal employment opportunities and otherwise adversely affect their status as applicants, because of their race.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or reckless indifference to the federally protected rights of Misti Hatchett and a class of applicants.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in discrimination based on race and any other employment practice which discriminates on the basis of race.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities and which eradicate the effects of the alleged past and present unlawful employment practices.

C. Order Defendant to make whole Misti Hatchett and a class of applicants who were denied employment due to race, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices described in paragraph 7.

D. Order Defendant Employer to make whole Misti Hatchett and a class of applicants by providing compensation for past and future pecuniary and non-pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including

emotional pain, suffering, and inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

E. Order Defendant to pay Misti Hatchett and a class of applicants denied employment due to race, punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

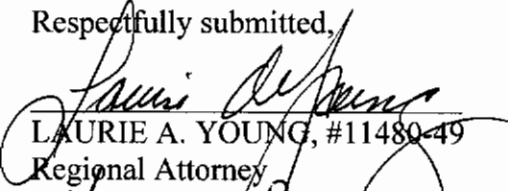
F. Grant such further relief as the Court deems necessary and proper in the public interest.

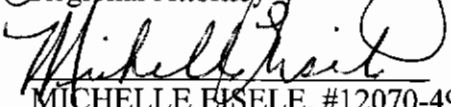
G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,


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EQUAL EMPLOYMENT OPPORTUNITY
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